

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D. G. SWEIGERT,

Plaintiff,

Case No. 22-cv-10642

v.

U.S. DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

MULTIMEDIA SYSTEM DESIGN,  
INC., ET AL.,

Defendants.

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**ORDER ACKNOWLEDGING PLAINTIFF'S RULE 41(a)(1)(A)(i)**  
**DISMISSAL, DENYING PENDING MOTION [#58] AS MOOT, AND**  
**DISMISSING ACTION WITHOUT PREJUDICE**

On March 25, 2022, Plaintiff D. G. Sweigert commenced this action alleging violations of state and federal law. *See* ECF No. 1. Corporate Defendants Multimedia System Design, Inc., Odysee Holdings, Inc., and LBRY, Inc., never filed an Answer to Plaintiff's Amended Complaint. Instead, non-party Jason Goodman sought to intervene on the Defendants' behalf. *See* ECF No. 52. The Court denied Mr. Goodman's request on July 26, 2022. *See* ECF No. 54. The July 26, 2022, decision also ordered the parties to attend a status conference on August 4, 2022, in Detroit, Michigan. *Id.* at PageID.469, 473. To date, Defendants have not filed an Answer nor a Motion for Summary Judgment.

Presently before the Court is Plaintiff's Notice of Voluntary Dismissal Without Prejudice. ECF No. 63, PageID.519. Federal Rule of Civil Procedure 41 permits voluntary dismissal by the Plaintiff if the notice is filed "before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Defendants have not filed an Answer here, nor have they moved for summary judgment. Plaintiff therefore retains his right to dismiss this action without prejudice under Rule 41(a)(1)(A). *See Wellfount, Corp. v. Hennis Care Centre of Bolivar, Inc.*, 951 F.3d 769, 774 (6th Cir. 2020) ("Under Rule 41(a)(1), a qualifying plaintiff has an absolute right to withdraw its action"). Plaintiff's "notice of dismissal is self-effectuating, leaving no basis upon which [this Court] can prevent ... dismiss[al] without prejudice." *Aamot v. Kassel*, 1 F.3d 441, 445 (6th Cir. 1993).

Accordingly, **IT IS ORDERED** that Plaintiff's action is **DISMISSED WITHOUT PREJUDICE**.

Non-party Mr. Goodman's Motion for Reconsideration [#58] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Dated: August 2, 2022

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
August 2, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern

Deputy Clerk